

**Decision Record
And
Finding of No Significant Impact
Lookout Mountain Aspen Stand Regeneration
Baker Resource Area
Vale District
Bureau of Land Management
Baker City, Oregon**

This Decision Record and Finding of No Significant Impact (FONSI) documents my decision to adopt the proposed action in the Environmental Assessment (EA) OR-035-2004-07. Treatments will be conducted on approximately 60 acres of aspen stands within the Lookout Mountain area for the primary purposes of regenerating dead and dying stands of aspen.

Public Comment Review

The Public Notice of the action was published in the Baker City Herald on Jun 04, 2004, for public review and comments on the planned action for a 30-day review period. There were no public comments received during that time period.

Decision

My decision to adopt the proposed action is based upon the interdisciplinary analysis contained in the EA OR-035-2004-07, the supporting record, field review, and public comments received.

All mitigating measures, stipulations, design features, and monitoring described in the EA are incorporated into project implementation.

Decision Rationale

The project would not have adverse affects on Fisheries, Cultural, or Water Resources because of the mitigating measures set forth. No disproportionately high adverse human, or environmental impacts on minority or low-income populations or Indian tribes is likely to result from the proposed action. This plan meets none of the criteria for significance. This action is consistent with the Baker Resource Management Plan (1989) Record of Decision.

Finding of No Significant Impact

On the basis of the information and analysis contained in the EA OR-035-2004-07, I have determined that there are no significant impacts associated with the proposed action. In relation to context, the project's affected region is localized, and the effects of implementation are relevant to the area affected by other activities in the area. In relation to intensity or severity, the actions have mitigation to fisheries, cultural, and water resources; there are no unique characteristics involved; there is no apparent controversy about the quality of the human environment; there are no highly uncertain or unique or unknown risks; the action does not appear to be related to any other action that could be significant; there are no impacts to sites that could be listed on the National Register of

Historic Places or cause loss of scientific, cultural, or historic resources; there is no significant impact to any species listed by the Endangered Species Act; there is no violation of any law requirement protecting the environment.

I have determined that as long as the mitigating measures are followed and significant Cultural Resources are not located during subsequent surveys, implementing the proposed action associated with the Aspen Regeneration Project will not cause resource degradation. Based on the analysis of the environmental impacts contained in the referenced Environmental Assessment (OR-035-2004-07) and its supporting documentation, I have determined that the impacts are not expected to be significant and an Environmental Impact Statement is not required.

Appeal Rights

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, a notice of appeal must be filed in this office (BLM, 3165 10th St, Baker City, Oregon 97814) within 30 days from the date that this notice appears in the Baker City Herald. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request), pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993), for a stay (suspension) of effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification base on the standards listed below. Copies of the notice of appeal and petition for a stay must be also submitted to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Penelope Dunn Woods
Penelope Dunn Woods
Baker Field Office Manager
Baker Resource Area, Vale District
Bureau of Land Management

7/13/04
Date